

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, January 17, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order by Council President Lantry at 3:33 p.m.

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0 –

CONSENT AGENDA (Items 1 - 11)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

It was noted that Item 8a has been withdrawn.

Councilmember Helgen referred to Item 5 and requested Finance Staff to provide the Council additional details about the appropriations.

Councilmember Thune moved approval of the consent agenda as amended. Adopted as amended Yeas -7 Nays -0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Brenengen & Associates (for Michael A. Jensen), Gallagher Law Firm (for Neng Vang), and two claims by Northern States Power Company, dba Xcel Energy. Referred to Risk Management
- Statement of Claim and Summons in the matter of Colleen A. Cahil vs. one 1996
 Oldsmobile.
 Referred to the City Attorney's Office

3. Administrative Order:

D002621 Extending the contract completion date from December 30, 2005 to December 30, 2006 for the Fairview/University Sewer Cleaning and TV Inspection Project.

On file in the City Clerk's Office

FOR ACTION

4. Resolution – 07-30 – Recommending that the Board of Ramsey County Commissioners approve the repurchase application for property at 1296 Hague Avenue.

Adopted Yeas - 7 Nays - 0

5. Resolution – 07-31 – Approving the 2007 Capital Maintenance Program recommendations.

Adopted Yeas - 7 Nays - 0

6. Resolution – 07-32 – Authorizing the Division of Parks and Recreation to accept a donation of five hundred (500) shrub roses from Bailey's Nursery, valued at \$4,500.00, to be planted in the Kellogg Boulevard medians.

Adopted Yeas - 7 Nays - 0

7. Resolution – 07-33 – Approving adverse action against the Cigarette/Tobacco license held by Minnesota Convenience Corporation, dba Galtier Convenience, 380 Jackson Street.

Adopted Yeas - 7 Nays - 0

8. Resolution – 07-34 – Approving the execution of a Development Agreement with Farmers Market Lofts for the Market Lofts Project located in Lowertown.

Adopted Yeas - 7 Nays - 0

8a. Resolution – 07-46 – Accepting a gift from Stanley Hubbard for Mayor Coleman's travel in conjunction with the Host Committee Contract.

Withdrawn

9. Preliminary Order – 07-35 – In the matter of the operation costs of the Above Standard Street Lighting System on the east side of future Temperance Street from Tenth Street to Ninth Street and on the north side of Ninth Street from future Temperance Street to approximately 100 feet east of future Temperance Street; the east side of Sibley Street from Tenth Street to Ninth Street and the south side of Tenth Street from Sibley Street to approximately 40 feet east of Sibley Street; and the north side of Ninth Street from Sibley Street to approximately 200 feet east of Sibley Street for 2007, and setting date of public hearing for February 21, 2007. (File No. 19029)

Adopted Yeas - 7 Nays - 0

- 10. Preliminary Order 07-36 In the matter of improving the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue, by grading and paving with bituminous material for the area bounded by Valentine Avenue, Como Avenue, Keston Street and Doswell Avenue; and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving of the westernmost north-south alley in Saint Anthony Park North, Block 27, from Valentine Avenue to approximately 264 feet south of Valentine Avenue, and setting date of public hearing for February 21, 2007. (File No. 19039) Adopted Yeas 7 Nays 0
- 11. Preliminary Order 07-37 In the matter of improving the alley in Arcadia, Block 2, from Kenneth Street to approximately 296 feet west of Kenneth Street, by grading and paving with bituminous material the area bounded by Mississippi River Boulevard, Kenneth Street, Norfolk Avenue, and Cleveland Avenue; and in the matter of condemning and taking an easement in the land necessary for the slopes, cuts and fills, including right of removal of lateral support from subject land or land remainder thereof, occasioned by excavation thereof or construction of slopes in the grading and paving of the alley in Arcadia, Block 2, from Kenneth Street to approximately 296 feet west of Kenneth Street, and setting date of public hearing for February 21, 2007. (File No. 19038)

Adopted Yeas - 7 Nays - 0

FOR DISCUSSION

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.

12. Final Adoption – 06-1047 – An ordinance amending the Saint Paul Legislative Code by creating a new section, Legislative Code § 69.511, entitled "parkland dedication requirements, residential developments." (Laid over from January 10)

After a brief discussion, Councilmember Thune moved to lay over three weeks. Laid over to February 7 Yeas -7 Nays -0

- 13. Second Reading 07-29 An ordinance memorializing City Council action granting the application of Margery Wells to rezone property from RM-2 (Multiple-Family Residential) to OS (Office-Service) at 1449 Grand Avenue, between Pascal and Albert Streets. (Zoning File No. 06-240-622) (Public hearing held December 20, 2006) Laid over to January 24 for third reading
- 14. First Reading 07-38 An ordinance amending Chapter 166.10 of the Saint Paul Legislative Code by extending the residential street permit parking district in the Irvine Park neighborhood to include residents on the south side of Exchange Street. Laid over to January 24 for second reading
- 15. First Reading 07-39 An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to signs, amending existing language and adding new language pertaining to temporary signs, skyway banners and light pole banners; amending Saint Paul Legislative Code Section 140.07 pertaining to skyway advertising and exterior signs, adding new language regulating exterior skyway banners; and amending Saint Paul Legislative Code Section 286.03 pertaining to posting of masts and poles, regulating banners on light poles.

Laid over to January 24 for second reading

Councilmember Benanav moved suspension of the rules to introduce the following resolution: Yeas - 7 Nays - 0

Resolution – 07-47 – Supporting legislation that will require all firearm thefts be reported to local law enforcement authorities.

Councilmember Benanav stated adopting this resolution will strengthen enforcement of stolen weapons. Councilmember Bostrom spoke in support of the resolution.

Councilmember Benanav moved approval. Adopted Yeas – 7 Nays – 0

Councilmember Harris acknowledged and welcomed a St. Thomas Academy student who was attending the City Council meeting.

PUBLIC HEARINGS

Council President Lantry said Items 16 and 18 are related and therefore public testimony will be considered for both items at the same time.

Council President Lantry presented an overview of Item 16, and Marcia Moermond, Legislative Hearing Officer, presented an overview of Item 18.

Lee Lucht (1092 Cumberland) and Von Braschler (1645 Thomas Avenue) appeared and spoke in opposition

Carol Buche, representing the St. Paul Association of Responsible Landlords, said she is not in opposition but expressed concern with how the grades will be set.

Kerri Antrim, District 6 Planning Council, spoke in support of prioritizing the system, and Steven Dickenson with the Laurel/Hague Block Club also spoke in support of the programs.

Councilmember Bostrom moved to close the public hearing and to lay over Item 16 to be to January 24 for consideration at the same time as final adoption of Item 18 Yeas - 7 Nays - 0

- 16. Resolution 06-1120 Establishing a building deficiency point system for the purpose of implementing a Fire Certificate of Occupancy Inspection Schedule based on building characteristics, per Title VI of the Legislative Code "Building and Housing." (Amended and laid over from January 10)
 Laid over to January 24
- 18. Third Reading 06-1130 An ordinance amending Title VI of the Saint Paul Legislative Code, "Building and Housing," the Fire Certificate of Occupancy Program, to include a Classification System. (Amended January 10)
 Laid over to January 24 for final adoption
- 17. Third Reading 06-1129 An ordinance amending Title VI of the Saint Paul Legislative Code, "Building and Housing," to create a chapter establishing a Fire Certificate of Occupancy Program. (Amended January 10)

Marcia Moermond, Legislative Hearing Officer, presented a brief overview and explained amendments made to the ordinance by Councilmembers Benanav and Bostrom are for clarification purposes.

Councilmember Bostrom moved approval of the amendments Yeas - 7 Nays - 0

Molly Grove with NHA spoke in support of the ordinance and thanked City staff for their dedication and hard work in making these significant changes.

Kerri Antrim, District 6 Planning Council, spoke in support of the ordinance.

Councilmember Bostrom moved to close the public hearing. Yeas - 7 Nays - 0

Amended and laid over to January 24 for final adoption

19. Third Reading – 06-1131 – An ordinance repealing Chapter 51 of the Saint Paul Legislative Code pertaining to Dwelling Unit Registration.

Marcia Moermond, Legislative Hearing Officer, presented a brief overview.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing. Yeas -7 Nays -0

Laid over to January 24 for final adoption

20. Third Reading – 06-1132 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code pertaining to Building Code and Inspection. (Amended January 10)

Marcia Moermond, Legislative Hearing Officer, referred to and explained a minor amendment changing two words.

Councilmember Bostrom moved approval of the amendments. Yeas -7 Nays -0

Lee Lucht, 1092 Cumberland, and Anthony Gulden, 119 W. Magnolia Avenue, spoke in opposition to the ordinance.

Councilmember Benanav moved to close the public hearing. Yeas -7 Nays -0

Amended and laid over to January 24 for Final Adoption

21. Resolution – 07-40 – Approving adverse action against Heather Ann Kolsara, employee at Galtier Convenience, 380 Jackson Street.

Rachel Gunderson, Assistant City Attorney representing the Office of License, Inspections and Environmental Protection, explained adverse action against Galtier Convenience has already occurred and what is before Council today is action against the employee who sold a tobacco product to an underage individual. Ms. Gunderson said these instances are frequent and that the City Attorney's Office allows individuals due process of a public hearing which Ms. Kolsara has requested and why it is before Council.

Heather Kolsara apologized for unknowingly selling tobacco to an underage person and explained the circumstances of her job environment the night of the sale.

After a brief discussion Councilmember Thune moved to impose the \$50.00 Administrative Fine.

Adopted Yeas - 7 Nays - 0

22. Resolution Ratifying Assessment – 07-41 – In the matter of the assessment of benefits, cost and expenses for Tenant Remedy Action Rehabilitation for property at 166 E. Fourth Street during October, 2006.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 7 Nays - 0

23. Resolution Ratifying Assessment – 07-42 – In the matter of the assessment of benefits, cost and expenses for summary abatement for excessive consumption of inspection services for property code violations at 948 Euclid Street from April 12 to May 12, 2006. (J0604E4) (Laid over from November 15, 2006) (Legislative Hearing Officer recommends deleting the assessment.)

Marcia Moermond, Legislative Hearing Officer, recommended this assessment be deleted.

No one appeared in opposition; Councilmember Thune moved to close and approval as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer Yeas -7 Nays -0

24. Appeal of Andrea Jepsen, Southern Minnesota Regional Legal Services, on behalf of Geraldine Bugg, to a Condemnation and Order to Vacate property at <u>721 Delaware Avenue</u>. (Legislative Hearing Officer's recommendation is forthcoming)

Marcia Moermond, Legislative Hearing Officer, recommended this item be referred back to the Legislative Hearing on January 23 with the City Council public hearing continued to February 7 to allow the property owner time to do rehabilitation to the property.

No one appeared in opposition; Councilmember Thune moved to continue the public hearing to February 7.

Public hearing continued to February 7 Yeas - 7 Nays - 0

25. Appeal of Scott Renstrom, on behalf of Gregory Maslow, to a Summary Abatement Order and Excessive Consumption of Inspection Services Fee for property at <u>957 Cook Avenue East</u>. (Legislative Hearing Officer recommends granting the owner to February 20, 2007, to provide a financial plan and work plan for making the repairs to the garage. If the owner is unable to come up with financing and a plan to make the repairs to the garage, she recommended the City remove the building.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and grant the appeal.

Appeal granted with conditions per the recommendation of the Legislative Hearing Officer Yeas-7 Nays - 0

26. Appeal of Ann Krebes to a Revocation of Certificate of Occupancy, which includes Condemnation, for property at 1861 and 1871 Randolph Avenue. (Legislative Hearing Officer recommends granting the appeal with the following conditions: 1) The property owner removes storage from the hallways for egress purposes within 10 days; 2) the condemnation date would be extended for an additional 10 days with the revocation remaining in place; 3) the property would need to be re-inspected for compliance within 30 days from the extension of the condemnation.)

No one appeared in opposition; Councilmember Harris moved to close the public hearing and grant the appeal with conditions.

Appeal granted with conditions (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

27. Resolution Ratifying Assessment – 07-43 – In the matter of the assessment of benefits, cost and expenses for towing abandoned vehicles from private properties in June and July, 2006 (J0604V); summary abatements (property cleanup) from September 1 to September 14, 2006 (J0613A); providing weekly garbage hauling services from September 5 to September 12, 2006 (J0611G); boarding up vacant buildings in July, 2006 (J0609B); and demolition of a vacant building at 119 Magnolia Avenue West in September, 2006 (J0604C). (Legislative Hearing Officer recommends the following:

478 Blair Avenue (J0609B) - approve the assessment;

<u>944 Charles Avenue</u> (J0613A) - reduce the assessment from a total of \$530.00 to a total of \$370.00;

<u>716 Como Avenue</u> (J0613A) - reduce the assessment from a total of \$230.00 to a total of \$115.00;

870 Cook Avenue East (J0613A) - reduce the assessment from a total of \$396.00 to a total of \$198.00;

65 George Street West (J0609B) - approve the assessment;

849 Howell Street North (J0613A) - delete the assessment;

970 Jessamine Avenue East (J0613A) - approve the assessment;

1024 Jessie Street (J0613A) - approve the assessment; laid over to the January 23

Legislative Hearing and February 7 Public Hearings

119 Magnolia Avenue West (J0604C) - approve the assessment;

359 Maria Avenue (J0613A) - approve the assessment;

995 Minnehaha Avenue West (J0613A) - reduce the assessment from a total of \$358.00 to a total of \$200.00;

960 Pacific Street (J0613A) - approve the assessment;

<u>1234 Rice Street</u> (J0611G) - recommendation is forthcoming <u>laid over to the January 23</u> Legislative Hearing and February 7 Public Hearings;

643 Winslow Avenue (J0613A) - approve the assessment; and

 $\underline{1209 \ Woodbridge \ Street}$ (J0613A) - reduce the assessment from a total of \$358.00 to a total of \$179.00.)

Marcia Moermond, Legislative Hearing Officer, recommended that 1024 Jessie Street be returned to the January 23 Legislative Hearing and to the February 7 City Council public hearing, and that the issue before Council today pertaining to property at 119 Magnolia Street is in regard to the assessment.

Anthony Gulden, 119 W. Magnolia Street, appeared and spoke in opposition to the assessment against his property.

Councilmember Helgen requested that property at 1234 Rice Street be returned to the January 23 Legislative Hearing and to the February 7 City Council public hearing.

Councilmember Helgen moved approval of the resolution as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

28. Resolution Ratifying Assessment – 07-44 – In the matter of the assessment of benefits, cost and expenses for summary abatement for excessive consumption of inspection services for property code violations billed from May 15 to June 30, 2006 (J0605E); demolition of vacant buildings on September 27, 2006 (J0605C); summary abatement (property cleanup) from September 16 to September 29, 2006 (J0614A); and providing weekly garbage hauling services from September 12 to September 26, 2006 (J0612G). (Legislative Hearing Officer recommends the following:

<u>229 Bates Avenue</u> (J0614A) - reduce the assessment from a total of \$380.00 to a total of \$120.00;

- 1073 Beech Street (J0614A) approve the assessment;
- 433 Brainerd Avenue (J0605E) approve the assessment;
- 1610 Bush Avenue (J0614A) delete the assessment;
- 856 Burr Street (J0605E) approve the assessment;
- 1619 Carroll Avenue (J0614A) delete the assessment;
- 903 Central Avenue West (J0614A) delete the assessment;
- 656 Cook Avenue East (J0605E) approve the assessment;
- 1712 Dayton Avenue (J0605E) delete the assessment;
- 387 Duke Street (J0605E) delete the assessment;
- 777 Fifth Street East (J0614A) approve the assessment;
- 91 Jessamine Avenue West (J0614A) approve the assessment;
- 119 Magnolia Avenue West (J0614A) approve the assessment;
- 1005 Matilda Street (J0605E) delete the assessment;
- 271 Prescott Street (J0605E) approve the assessment;
- 1234 Rice Street (J0612G) recommendation is forthcoming laid over to the January 23
- Legislative Hearing and February 7 Public Hearings;
- 825 Sylvan Street (J0605E) delete the assessment;
- 1463 Third Street East (J0614A) reduce the assessment from a total of \$518.00 to a total of \$350.00; and
- 270 Topping Street (J0605E) approve the assessment.)

Additional addresses:

- 887 Jenks Avenue (J0614A) laid over to January 23 Legislative Hearings and February 7 City Council Public Hearings;
- 191 Maryland Avenue (J0614A) laid over to January 23 Legislative Hearings and February 7 City Council Public Hearings;
- 1118 Seventh Street East (J0614A) delete the assessment;
- <u>62 Winifred (J0605E)</u> laid over to the January 23 Legislative Hearing and February 7 Public Hearings

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval of the resolution as amended

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

- 29. Resolution Ratifying Assessment 07-45 In the matter of the assessment of benefits, cost and expenses for demolition of a vacant building at 1515 Carroll Avenue during October, 2006 (J0606C); boarding up vacant buildings during August, 2006 (J0610B); summary abatement (property cleanup) from October 2 to October 16, 2006 (J0615A); providing weekly garbage hauling services from October 3 to October 10, 2006 (J0613G); and towing abandoned vehicles from private property during August, 2006 (J0605V). (GS 3034769) (Legislative Hearing Officer recommends the following:
 - 240 Baker Street East (J0610B) approve the assessment;
 - 478 Blair Avenue (J0610B) approve the assessment;
 - <u>966 Central Avenue West</u> (J0615A) recommendation is forthcoming <u>approve the</u> assessment;
 - <u>80 Grotto Street South</u> (J0605V) recommendation is forthcoming <u>approve the</u> assessment;
 - <u>1717 Hague Avenue</u> (J0615A) reduce the assessment from a total of \$358.00 to a total of \$100.00 and spread the payments over two (2) years;
 - 831 Iglehart Avenue (J0615A) approve the assessment;
 - 91 Jessamine Avenue West (J0613G) approve the assessment;
 - <u>1861 Randolph Avenue</u> (J0615A) reduce the assessment from a total of \$358.00 to a total of \$179.00;
 - 1871 Randolph Avenue (J0615A) reduce the assessment from a total of \$382.00 to a total of \$286.00;
 - 613 Snelling Avenue North (J0610B) delete the assessment;
 - <u>1412 Taylor Avenue</u> (J0605V) recommendation is forthcoming <u>reduce the assessment</u> <u>from a total of \$228 to a total of \$114;</u>
 - 344 Wheelock Parkway East (J0615A) approve the assessment;
 - 899 Western Avenue North (J0615A) delete the assessment; and
 - 1606/1608 Woodbridge Street (J0615A) approve the assessment.)

Additional address:

1132 Central Avenue (J0615A) - laid over to the January 23 Legislative Hearings and February 7 City Council Public Hearings;

No one appeared in opposition; Councilmember Montgomery moved to close the public hearing and approval of the resolution as amended.

Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas - 7 Nays - 0

Councilmember Thune moved to adjour	rn the meeting. $Yeas - 7$ Nays $- 0$
	ADJOURNED at 6:22 P.M.
ATTEST:	
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Pattie Kelley	February 7, 2007 Minutes approved by Council